

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

J. KRISS et al.

*Plaintiffs*

vs.

BAYROCK GROUP LLC et al.

*Defendants*

10-CV-3959 (LGS-FM)

**PLAINTIFFS' MOTION FOR RELIEF  
FROM MAGISTRATE'S  
NON-DISPOSITIVE PRE-TRIAL ORDER**

**PLAINTIFF'S REPLY IN SUPPORT**

**PLAINTIFFS' MOTION FOR RELIEF FROM CERTAIN ASPECTS OF  
MAGISTRATE'S NON-DISPOSITIVE PRE-TRIAL ORDERS**

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**AFFIRMATION IN SUPPORT**

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**FRCP §§7, 72**

**26 U.S.C. 636**

**U.S.CONST. AMENDMENTS I, V**

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The undersigned, attorneys admitted to the practice of law before this court, affirm under penalty of perjury pursuant to 28 USC §1746 that to the best of their knowledge:

- (1) Exhibit 2 is a true and correct set of documents that were filed publicly in Delaware Chancery court in mid-2009 on 4154-VCS by Bayrock defendants acting through their counsel, Young Conaway.
- (2) Those documents remain publicly available on *Lexis File and Serve*.
- (3) Exhibit 1 is a true and correct video capture made at or about 8:30pm EDT on June 27, 2014 by counsels as they accessed PACER using a Chrome browser with the RECAP plug-in. It shows that accessing the docket of 13-cv-3905 with the displays a link to a parallel docket and entry-tracking service known as RECAP and shows that the originating complaint in 3905, filed on ECF as docket entry 51 well over a month before it was sealed by order of Magistrate Maas, remains available for download from the public Internet Archive PACER mirror site maintained for the purpose of public access to PACER documents without charge.
- (4) Exhibit 3 is a true and correct copy of entry 51 (less two pages) as downloaded by counsels on or about 8:30pm June 27, 2014, as shown in the video in Exhibit 1.

Dated June 27, 2014

**THE LAW OFFICE OF FREDERICK M. OBERLANDER P.C.**

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